

REMARKS

The claims are 6 to 15. Claims 6 to 12, 14 and 15 have been withdrawn from consideration pursuant to a Restriction Requirement, traversed by the Applicants, and not yet made Final by the Examiner. The present status of the Application is unclear in that the Examiner has found the Applicants previous reply unresponsive and required correction, but appears to have gone on and examined the remaining claim stated reasons for rejection.

The Examiner has found the Supplemental Declaration filed with the previous Amendment improper in that it refers to the parent application, not the present application. A new Supplemental Declaration is being circulated to the six named Inventors who reside separately in three States, and this corrected Supplemental Declaration will be filed when completed and returned. Applicant asserts that it has substantially complied with the Examiner's request in this regard, although the Supplemental Declaration previously presented contained an error, and submits that there is no reason to delay prosecution until the required signatures are obtained.

The Examiner has found that the Amendment made to the Specification detailing the history of previous Applications from which the present Application descends to be improper. It is the Examiner's position that the submission of new claims by Preliminary Amendment in the present Application, since those claims were not present in the parent, represents new matter, and has required, therefore, that this Application be styled a continuation-in-part. Further, since the Applicant filed earlier Applications without challenging findings under the first paragraph of 37 C.F.R. § 112, it is the Examiner's position that all previous Applications are required to be styled continuations-in-part. Applicant has acquiesced in the Examiner's requirement in order to advance prosecution and to be certain that this Supplemental Amendment is seen as "bona fide" under 37 C.F.R. § 1.135(c), but asserts that this is not and has never been the law.

Finally, having taken the position that the new claims are new matter, the Examiner has required the Applicant to show support in the Specification for, it appears, each and every element in the claim to which the Examiner would restrict prosecution. Further, the Examiner has found insufficient the Applicant's explanations of the elements previously enumerated. To the degree that the Examiner has now required the Applicant to support the new matter that only the Examiner seems to see without identifying such new matter, the Applicant is unwilling to do so. It is submitted, once again, that the newly presented claims were drafted solely from the Specification and it is difficult to see how new matter could be found there. It continues to be the Applicant's position that the claims are fully supported by the Specification, and the Applicant stands ready to show support for any element the Examiner identifies.

Since this is a reply to a paper which is not an action on the merits, Applicant believes it inappropriate to speak to the Examiner's extensive comments on the

patentability of the remaining claim, but looks forward to doing so when the Examiner issues such an action.

WHEREFORE, in consideration of the above amendments and arguments, examination and allowance are respectfully requested.

Respectfully,



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JAN 17 2003

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